# PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE MINUTES

#### MARCH 11, 2008

The regularly scheduled meeting of the Public Safety and Legal Administration Committee was held on **Tuesday**, **March 11**, **2008** at **3:23** p.m., in the **Council Chamber**. The following members were present:

The Honorable Cleta Winslow, Chair The Honorable C. T. Martin, Vice-Chair The Honorable Carla Smith The Honorable Anne Fauver

The following members were absent:

The Honorable Joyce Sheperd The Honorable H. Lamar Willis

Others present at the meeting were: Jerry Deloach, Dianne Mitchell, Marissa Key and Amber Robinson, Law Department; Deputy Chief Meadows, Atlanta Fire and Rescue Department; Director Malachi Hull and Sgt. Davis, Police Department; Raines Carter, Solicitor; the media, public and council staff.

Chair Cleta Winslow called the meeting to order at 3:23 p.m. after declaring a quorum present. She then proceeded with the following order of business.

- A. ADOPTION OF AGENDA ADOPTED
- B. APPROVAL OF MINUTES APPROVED

#### CONSENT

#### C. RESOLUTIONS

#### Claims with favorable recommendations:

O8-R-0435 (1) Claim of **Freddie Lovett and Phyllis Lovett**, for damages alleged to have been sustained as a result of a series of sewer backups on July 6, July 10 and August 13, 2005 and 3148 Sorrento Circle. **\$32,000.00** 

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# **RESOLUTIONS** (CONT'D)

# Claims with favorable recommendations:

<u> </u>	
08-R-0436 ( 2)	Claim of <u>United Nation of Islam</u> , for damages alleged have been sustained as a result of an automobile accident on January 17, 2008 at 882 Martin Luther King, Jr. Drive. <u>\$3,284.66</u>
08-R-0437 (3)	Claim of Ralph Winston Whitlock, Jr., for damages alleged to have been sustained as a result of driving over an unsecured construction cut on October 30, 2007 at 542 Courtland Street. \$1,435.13
08-R-0438 ( 4)	Claim of Progressive Mountain Insurance Company, as subrogee of Tajj Semiens, for property damages alleged to have been sustained due to an automobile accident on November 12, 2007 at 1011 Smith Street, SW. \$3,843,46
08-R-0439 ( 5)	Claim of <b>Latrice Huff-Conde</b> , for damages alleged to have been sustained as a result of a striking a metal plate on October 31, 2007 at 1610 Hosea L. Williams Drive. \$2,640.00
08-R-0440 ( 6)	Claim of <b>Kecia Brown</b> , for damages alleged to have been sustained from an automobile accident on October 25, 2007 at 1350 Howell Mill Road, NE. <b>\$1,596.56</b>
08-R-0441 ( 7)	Claim of <b>Stanley Williams</b> , for damages alleged to have been sustained as a result of a breach of a rental agreement on January 5, 2008 at 537 Park Avenue. <b>\$3,193.20</b>
08-R-0442 ( 8)	Claim of <b>Garry Dale Sparks</b> , for vehicular damages alleged to have been sustained when ice fell for the City's Radio tower on January 17, 2008 at 315 Chester Avenue, SE. <b>\$2,195.64</b>
08-R-0443 (9)	Claim of <b>Progressive Mountain Insurance Company, as subrogee of Antonio Williams</b> , for property damages alleged to have been sustained due to an automobile accident on November 12, 2007 at 1011 Smith Street, SW. <b>\$2,123,78</b>

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#### RESOLUTIONS (CONT'D)

08-R-0450 (16)

#### Claims with favorable recommendations:

Claim of State Farm Insurance Companies, as subrogee of 08-R-0444 (10) Michael E. Lewis, for property damages alleged to have been sustained when a vehicle drove over a construction plate that was partially covering a construction site on September \$2,203,47 22. 2007 at 2830 Water Road, SW. Claim of State Farm Insurance Companies, as subrogee of 08-R-0445 (11) Vernay Fitzpatrick, for damages alleged to have been sustained as a result of a n automobile accident on July 21, 2007 at Glenwood Avenue and Carter Avenue. \$2,554,00 Claim of **James Martin**, for damages alleged to have been 08-R-0446 (12) sustained as a result of driving over an unsecured metal plate on November 1, 2007 at the intersection of Lenox Road, NE and East Paces Ferry Road. \$1,275.96 Claim of Richard L. McDonald, for damages alleged to have 08-R-0447 (13) been sustained as a result of driving over an unsecured metal plate on November 1, 2007 at 200 Old Ivy Square, NE. \$693.04 Claim of BellSouth Telecommunications, Inc., Corporate 08-R-0448 (14) Security/Claims Investigations, for damages alleged to have been sustained as a result of an underground utility cable being damages on July 19, 2006 at 3051 Delmar Lane. \$55,538.37 Claim of Leo J. Jackson, II, for damages to have been 08-R-0449 (15) sustained as a result of a broken water line on October 3. 2007 at 2454 Memorial Drive. SE. \$1,239,18

and Airport Boulevard.

Claim of GEICO Direct, as subrogee of Carlene Adrien, for

damages alleged to have been sustained as a result of an automobile accident on December 4, 2007 at Auto Port Drive

\$2,026.36

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#### RESOLUTIONS (CONT'D)

#### Claims with favorable recommendations:

Claim of Nationwide Insurance Company, as subrogee of 08-R-0451 (17) Mark A. and Suzette Carney, for damages alleged to have been sustained as a result of an automobile accident on December 11, 2007 on Interstate 285 ramp NW at Bolton \$16,365.60 Road. Claim of Dr. Richard E. Beckford, for damages alleged to 08-R-0452 (18) have been sustained due to a collapsed sewer line in the roadway on December 2, 2007 at 3085 Campbellton Road, \$1,000.00 SW. Claim of Luevadia Jowers, for damages alleged to have been 08-R-0453 (19) sustained as a result of a sewer back-up on July 7, 2005 at \$1,500.00 1299 Fair Street. Claim of Nyrshea Williams, through her attoney, Richard 08-R-0454 (20) Hobbs, for damages alleged to have been sustained as a result of vehicular accident on November 23, 2006 at Windsor Street at Crumley Street. \$7,000.00 Claim of Karen McCoy, for damages alleged to have been 08-R-0455 (21) sustained as a result of vehicular accident on April 6, 2007 at Mitchell Street and Broad Street. \$986.64 Claim of **Prakash International**, **Inc.**, for damages alleged to 08-R-0456 (22) have been sustained as a result of an unsecured load falling onto claimant's vehicle on December 3, 2007 on Interstate \$1.532.02 75 North at Mount Paran Road. Claim of Ruby Snow, for damages alleged to have been 08-R-0457 (23) sustained as a result of a vehicular accident on November 29. 2007 at Hosea Williams Drive and Warren Street.

\$3,925.00

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#### RESOLUTIONS (CONT'D)

## Claims with unfavorable recommendations:

- O8-R-0458 (24) Claim of <u>Steven Hollingsworth</u>, through his attorney <u>Bhrett Pizza</u>, for damages alleged to have been sustained as a result of walking on an uncovered water meter box on January 31, 2006 at an undisclosed located within the City of Atlanta.
- O8-R-0459 (25) Claim of <u>Rachella Gonzales</u>, through her attorney, <u>Joseph A. Roseborough</u>, for damages alleged to have been sustained as a result of an arrest on August 24, 2004 at 585 Memorial Drive, SE.
- O8-R-0460 (26) Claim of <u>Jannetta Parker</u>, through her attorney, <u>Joseph A. Roseborough</u>, for damages alleged to have been sustained as a result of an arrest on August 24, 2004 at 585 Memorial Drive, SE.
- O8-R-0461 (27) Claim of Latanya Mitchell, through her attorney, Joseph A. Roseborough, for damages alleged to have been sustained as a result of an arrest on August 24, 2004 at 585 Memorial Drive, SE.
- 08-R-0462 (28) Claim of **Jennifer L. Curry**, for damages alleged to have been sustained as a result of driving over an unsecured construction cut on January 1, 2007 at 208 Carroll Street.
- 08-R-0463 (29) Claim of **Chris Phillips**, for damages alleged to have been sustained as a result of driving over a pothole on November 2, 2007 on Lenox Road.
- 08-R-0464 (30) Claim of <u>Ablelardo Itehua</u>, for damages alleged to have been sustained as a result of vehicle window being damaged on October 30, 2007 at an undisclosed location.
- 08-R-0465 (31) Claim of **Lavette Mildred Mosley**, for damages alleged to have been sustained as a result of driving over a pothole on September 18, 2007 at 11<sup>th</sup> Street and Peachtree Street.

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# RESOLUTIONS (CONT'D)

# Claims with unfavorable recommendations:

- 08-R-0466 (32) Claim of **Katherine E. Murphy**, for damages alleged to have been sustained as a result of driving over a construction cut on February 24, 2007 at 1950 Dekalb Avenue.
- 08-R-0467 (33) Claim of **Dr. Todd Surloff**, for damages alleged to have been sustained as a result of a cross walk installation on September 10, 2007 at 2021 North Druid Hill Road.
- 08-R-0468 (34) Claim of **Faye Farley**, for damages alleged to have been sustained as a result of driving over an unsecured construction cut on July 23, 2007 at 40 Mildred Place.
- O8-R-0469 (35) Claim of **Robert B. Stevens**, for damages alleged to have been sustained as a result of driving into a sinkhole caused by a water main break on October 25, 2007 at Forest Ridge Court.
- O8-R-0470 (36) Claim of Sharice Griffin, through her attorney, L. Chris Stewart, for damages alleged to have been sustained as a result of a trip and fall incident in an uncovered water meter on September 19, 2007 at 680 Ira Street.
- 08-R-0471 (37) Claim of **Andrea Casson**, for damages alleged to have been sustained as a result of a water meter leak on December 20, 2006 at 767 Drewry Street.
- 08-R-0472 (38) Claim of **Zina Craft**, for damages alleged to have been sustained as a result of an automobile accident on May 22, 2006 at Paces Ferry Place and West Paces Ferry Road.
- O8-R-0473 (39) Claim of <u>JNR Adjustment Company Inc.</u>, as subrogee of <u>Comcast</u>, for damages alleged to have been sustained as a result of a severed cable line on September 6, 2007 at 4060 Martin Luther King, Jr. Drive.

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#### RESOLUTIONS (CONT'D)

#### Claims with unfavorable recommendations:

- O8-R-0474 (40) Claim of **Octavia Reynolds**, for damages alleged to have been sustained as a result of car being towed on April 27, 2007 at or near the intersection of Parsons Street, SW and John Hope Drive, SW.
- O8-R-0478 (41) Claim of Anna-Maria Johnson, for through her attorney, Stephen D. Apolinsky, for damages alleged to have been sustained as a result of a trip and fall incident in an open construction cut on October 3, 2006 at 860 Peachtree Street. (Councilmember Smith made a motion to approve Items C1-C41)

#### **FAVORABLE**

#### D. ORDINANCE FOR FIRST READING

O8-O-0488 (1) An Ordinance by Public Safety and Legal Administration Committee amending Section 78-57 of the Code of Ordinances for the City of Atlanta in order to bring the Fire Safety Code of the City of Atlanta into compliance with current Rules and Regulations of the Fire Commissioner for the State of Georgia; and for other purposes.

# TO BE REFERRED TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

#### REGULAR

#### E. COMMUNICATION

O8-C-0434 (1) A Communication by Mayor Shirley Franklin appointing Mr. William Lobb to serve as a member of the License Review Board (LRB) for the City of Atlanta. This appointment is for a term of two (2) years, scheduled to begin on the date of Council confirmation.

(Councilmember Winslow made a motion to hold awaiting Mr. Lobb to appear before the committee.)

#### **HELD**

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#### F. ORDINANCES FOR SECOND READING

08-0-0398 (1)

An Ordinance by Public Safety and Legal Administration Committee to amend the Code of Ordinances of the City of Atlanta, Georgia, Chapter 162, Vehicles for Hire, to provide for a definition of Taxicab Safety Equipment; to require signage on applicable taxicabs alerting passengers to the presence of a Digital Security Camera System; to require the installation of taxicab safety equipment in all taxicabs; to authorize the Chief of Police or his/her designee to establish, issue and revise rules, procedures and regulations to govern the specifications, installation and maintenance of the taxicab safety equipment, and to provide for enforcement of rules, procedures and regulations for the purpose of protecting the safety of taxicab drivers and passengers; and for other purposes.

(Councilmember Winslow made a motion to hold for a Work Session Wednesday, March 19, 2008 at 10:00 a.m.)

### <u>HELD</u>

08-0-0507 (2)

An Ordinance by Councilmember Mary Norwood to create a new Section 105-15 of the Code of Ordinances of the City of Atlanta, Georgia, to be entitled "Loitering"; and for other purposes.

(Councilmember Winslow made a motion to hold for further review by the Law Department.)

#### HELD

#### G. RESOLUTION

08-R-0474 (1)

A Resolution by Public Safety and Legal Administration Committee authorizing the City Attorney to extend a retainer agreement with the Law Firm of Morris, Manning & Martin, LLP to serve as outside counsel to the City of Atlanta in connection with cases styled: Veolia Water North America Operating Services, LLC F/K/A U. S. Filter Operating Services, Inc. v City of Atlanta, Civil Action No. 06-CV-1457, City of Atlanta v. Veolia Water North America Operating Services, F/K/A U.S. Filter Operating Services, Inc., Civil

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# RESOLUTION (CONT'D)

Action No. 2006-CV-119510; City of Atlanta v. Veolia Environment, S.A. F/K/A Vivendi Environment, S.A., Civil Action No. 1:06-CV-1631, Veolia Water North America Operating Services, LLC F/K/A U.S. Filter Operating Services, Inc., Civil Action No. 2006-CV-118577 to authorize expenditures for that purpose in an amount not to exceed \$1,500,000.00, to be charged to and paid from Fund, Account and Center Number: 2J01 (Water and Wastewater) 524001 (Professional Consultant Services) Q30001 (Deputy Commissioner, Treatment & Collection).

(Councilmember Winslow made a motion to hold for further review.)

#### HELD

# H. PAPERS HELD IN COMMITTEE

- O6-R-0433 (1) Claim of <u>Robert Colgin</u>, for damages alleged to have been sustained as a result of flooding on July 9, 2005 at 3340 Chatham Road, NW. (Referred back by Council 2/20/06) (Held 2/28/06 for further investigation at the request of Councilmember Muller)
- O6-O-1044 (2) An Ordinance by Councilmembers H. Lamar Willis and C. T. Martin to amend the Code of Ordinances of the City of Atlanta, Georgia, Chapter 162, Article 2, Section 162-61(a) and Chapter 162, Article 2, Section 162-34(f) to allow short breaks in service for Taxicabs; to allow the Chief of Police or his designee, discretion to grant further extension for correction slip matters; to repeal conflicting ordinances; and for other purposes. (Held 5/9/06 at the request of Councilmember Martin)
- O6-O-1601 (3) An Ordinance by Councilman C. T. Martin to amend Article XXIII (Entitled "Vending on Public Property"), Division 1, Section 30-1401, of the Code of Ordinances of the City of Atlanta, Georgia, so as to exempt Disabled Veterans from most of the provisions of the Public Property Vending Code; to waive conflicting ordinances; and for other purposes. (Held 8/15/06 for further review)

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- A Substitute Ordinance by Public Safety and Legal Administration Committee amending Chapter 162, Article II, Division 1, Section 162-33 of the Code of Ordinances of the City of Atlanta, Georgia ("City"), on behalf of the Department of Police, Bureau of Taxicabs and Vehicles for Hire ("Department"), for the purpose of increasing the fees the City assesses Taxicab Drivers and Taxicab Companies in order to offset the funding that's provided by the City; to create a Taxicab Re-Inspection Fee, Horse-Drawn Carriage Company Permit Fee and Horse-Drawn Carriage Renewal Fee; and for other purposes. (Public Hearing held 1/15/08) (Held 1/15/08 for a work session.)
- O7-O-0078 (5)

  An Ordinance by Councilmember Cleta Winslow as amended by Full Council to amend Chapter 30, Article II, Section 30-26 (b), of the City of Atlanta Code of Ordinances, so that meetings of the License Review Board are not held during the month of December; and for other purposes. (Amended by Full Council and referred back by Council 1/16/07) (Held 1/30/07 so that a copy of the ordinance can be forwarded to the NPU's for review and comment)
- O7-O-0249 (6) An Ordinance by Councilmembers Kwanza Hall and Cleta Winslow authorizing the Mayor or her designee to grant an exemption to the City's Distance Requirements for onpremise consumption of alcohol and the sale of wine by the package on the 300 block of Walker Street. (Held 2/13/07 for further review.)
- O7-R-0545 (7) Claim of Nancy Montgomery, for damages alleged to have been sustained as a result of a water main break during the installation of a sidewalk on June 6, 2006 at 2340 Hurst Drive, NE. (Referred back from Council 4/16/07) (Held 5/1/07 at the request of Councilmember Shook.)

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- O7-O-1522 (8) An Ordinance by Councilmembers Anne Fauver and Natalyn Archibong to amend Chapter 18, Article I, of the Code of Ordinances of the City of Atlanta, so as to prohibit the practice of inhumanely chaining or tethering dogs; and for other purposes. (Held 7/31/07 at the request of the author for further review.)
- O7-O-1525 (9) An Ordinance by Councilmember Joyce Sheperd to amend Section 122-172 under Chapter 122, Article V, Division 2, of the Code of Ordinances, so as to provide for a review by the affected Neighborhood Planning Unit(s) whenever an application for a license to operate a Secondary Metal Recycler is submitted; and for other purposes. (Held 7/31/07 at the request of the author for further review. 9/25/07 a motion was approved to forward to the NPU's for review.)
- O7-O-1526 (10) An Ordinance by Councilmember Joyce Sheperd to amend Section 30-1503(a) under Chapter 30, Article XXV, of the Code of Ordinances, so as to provide for a review by the affected Neighborhood Planning Unit(s) whenever an application for a license to operate a Self-Service Car Wash is submitted; and for other purposes. (Held 7/31/07 at the request of the author for further review. 9/25/07 a motion was approved to forward to the NPU's for review.)
- O7-O-1795 (11) An Ordinance by Councilmember H. Lamar Willis to establish Chapter 21 of the Code of Ordinances of the City of Atlanta entitled "Transportation of Hazardous Materials"; to create a new Article I to be entitled "Terrorism Prevention in Hazardous Materials Transportation Act of 2007," to create a new Division 1 to be entitled "Terrorism Prevention in Hazardous Materials Transportation Act of 2007"; so as to prohibit large shipments of certain extremely hazardous materials near the City of Atlanta in an effort to reduce the risk of attacks by terrorists; to allow for the issuance of permits authorizing such shipments in special cases; to require the Mayor to issue regulations to implement the provisions of this act; and for other purposes. (Held 8/28/07 for further review.)

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- O7-O-1800 (12) An Ordinance by Councilmembers C. T. Martin, Ceasar C. Mitchell, H. Lamar Willis, Ivory L. Young, Jr. and Joyce Sheperd as substituted by Public Safety and Legal Administration Committee to create Section 106-13 of the Code of Ordinances of the City of Atlanta, Georgia to be entitled "Wearing of Pants Below the Waist in Public, Unlawful"; to waive conflicting ordinances; and for other purposes. (Held 8/28/07 at the request of the author for a work session and a public hearing.) (Substituted and held 9/11/07)
- An Ordinance by Public Safety and Legal Administration 07-0-1879 (13) Committee to revise the City of Atlanta Code of Ordinances pertaining to secondary metal recyclers by amending the following Sections of Chapter 122, Article V, Divisions I and II: Section 122-151 (Definitions); Section 122-152 (Records Required); and Section 122-157 (Unlawful Acts); Section 122-171 (Required Application); to add the following new Sections to Chapter 122, Article V, Divisions I and II of the City of Atlanta Code of Ordinances: Section 122-158 (Daily Written Report to Police); Section 122-159 (Offenses; Defenses, Penalty); Section 122-160 (Possessor of Secondary Metals); Section 122-161 (License to Possess Secondary Metals); Section 122-162 (Revocation of License to Possess Secondary Metals); and Section 122-170 (Processing Application; Issuance of License, Possessor of Secondary Metals); to waive conflicting ordinances; and for other (Public Hearing held on 10/30/07) (Held purposes. 10/30/07 for further review.)
- O7-O-1905 (14) An Ordinance by Councilmember Mary Norwood to amend Article XXIV vending on Private Property; and for other purposes. (Held 9/11/07 at the request of the Law Department)

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# PAPERS HELD IN COMMITTEE (CONT'D)

07-0-2137 (15)

An Ordinance by Councilmembers Ceasar C. Mitchell, Ivory L. Young, Jr., C. T. Martin, Joyce Sheperd and Natalyn Archibong to create Section 98-26.1 of the Code of Ordinances of the City of Atlanta, Georgia to be entitled "Community Policing Training And Preparedness" (CoPTAP) Program which shall require that all members of each class of graduates from the Police Academy, beginning with Class Number 200, be assigned to foot patrol duty for a period of not less than six months, in the two Police Zones which have experienced the most significant increase in the rate of crime and/or having the highest crime rate, with each subsequent class being split in half and so assigned to each remaining zone based upon the same criteria and in the same manner in descending order, until all six Police Zones have experienced the benefit of the CoPTAP Program; to provide that after the CoPTAP Program has been implemented in all six zones, it may be renewed and permanently implemented by subsequent action of the City Council; to waive all ordinances, rules, regulations, policies, practices and procedures in conflict herewith; and for other purposes. (Held 10/9/07 for further review.)

07-R-2294 (16)

A Resolution by Public Safety and Legal Administration Committee authorizing the Mayor to approve or reject the decision of the evaluator presiding in the early neutral evaluation process, an alternative dispute resolution process, in the matter of Veolia Water North America Operating Services, LLC v. City of Atlanta, in the U.S. District Court, Northern District of Georgia, Civil Action No. 06-CV-1457-TWT; and for other purposes. (Held 10/30/07 for further review)

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- O7-O-2513 (17) An Ordinance by Councilmember Ceasar C. Mitchell to amend Ordinance #07-O-2135, adopted October 15, 2007 and approved October 22, 2007, amending Section 10-12 of the City Code, which amendment eliminated the provision allowing persons 18 years of age or older to provide entertainment in any premises licensed for the sale of alcoholic beverages, so as to exempt from said ordinance, those persons currently employed as entertainers with active and valid permits, which will afford such persons a "Grandfathered" status; and for other purposes. (Held 11/27/07 at the request of the author.)
- O8-R-0118 (18) Claim of Alyssa Walz, Gregory Walz and Jenny Walz, for damages alleged to have been sustained as a result of a vehicle accident on September 11, 2007 at the intersection of Howell Mill Road and Chattahoochee Highway. \$1,298.60 (Held 1/29/08 at request of the Law Department.)
- O8-O-0190 (19) An Ordinance by Councilmember H. Lamar Willis to amend Chapter 30, Article II of the City Code of Ordinances to reflect new fees for owners of Adult Entertainment establishments which sell alcohol to provide for certain programs for the prevention of sexual assault; and for other purposes. (Held 1/29/08 at the request of the author.)
- O8-R-0400 (20) A Resolution by Public Safety and Legal Administration Committee to authorize the City Attorney to accept on behalf of the City of Atlanta Department of Law, the donation of training from various Law Firms and other entities; and for other purposes. (Held 2/26/08 for further review.)

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There being no further business to come before the Committee, the meeting was adjourned at 3:35 p.m.

Respectfully Submitted:

Fredrieca Cooper

Legislative Assistant

Bernard Thomas

Research and Policy Analyst

The Honorable Cleta Winslow, Chair

Public Safety and Legal Administration Committee